ÀøøãÃèäãĞøHÅDZ

ĞÝèøåäzŸèĞøÐŠ

ĞÚøøÃÃ äãLøøøÊę

الحمــــل
إرثه، أحكامه وصوره المعاصرة بين الشريعة والقانون

مذكرة مقدمة لنيل شهادة الماجستير في العلوم الإسلامية

ĝÂøÊüإĪÊß :ÆÈøÃÅã

ĴZÃÂĞÃÂ :ÖÖÂÅĞ

ÿ2006-2005

[illegible]
[illegible]
[illegible]

الحمـــــل
إرثه، أحكامه وصوره المعاصرة
بين الشريعة والقانون

مذكرة مقدمة لنيل شهادة الماجستير في العلوم الإسلامية

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

2006-2005

الإهداء

أهدي هذا العمل إلى:

أمي الصابرة الحنون، التي تحملت غربتي طيلة هذه السنوات.

روح أبي الطاهرة -رحمه الله وبرد ثراه-

أخي محمد الذي شملتني رعايته طيلة هذه السنوات.

أختيّ مسعودة وفوزية.

كلمة شكر وتقدير

أشكر الله الذي وفقني في إنجاز هذا العمل.

وعملا بقوله ρ: (لا يشكر الله من لا يشكر الناس) رواه أحمد:

أتقدم بشكري الجزيل لأستاذتي الفاضلة الدكتورة نصيرة دهينة، التي تكرمت بالإشراف على هذه المذكرة، فكان ذلك فرصة لي أن أنهل مما حباها الله به من علم، ولم تبخل علي بكل ما رأته مفيدا من معلومات وتصويبات وتشجيعات.

كما أشكر أساتذتي بالكلية، الذين استفدنا منهم الكثير، وأخص بالذكر الأستاذ علي عزوز الذي لا ينكر فضله أحد، والأستاذ الفاضل عبد الوهاب مساعيد الذي خصني برعايته وتوجيهاته طيلة سنوات الدراسة.

زميليّ بالكلية "عز الدين" و " أحمد".

و إلى إخواني وأصدقائي الأفاضل الذين كانوا سندي في إنجاز هذا البحث.

عيســـــــــــــــــــــى

[illegible]

[illegible]

[illegible]

﴿إِنَّا نَحۡنُ نَرِثُ ٱلۡأَرۡضَ وَمَنۡ عَلَيۡهَا وَإِلَيۡنَا يُرۡجَعُونَ ٤٠﴾ [40: [illegible]].

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

-1 [illegible]

-2 [illegible]

[illegible] -3
[illegible]

[illegible]

[illegible] -1
[illegible]
[illegible]
[illegible]

[illegible] -2
[illegible]
[illegible]
[illegible]

[illegible] -3
[illegible]
[illegible]

[illegible] -4
[illegible]
[illegible]

[illegible] -5
[illegible]

[illegible]:

[illegible]
[illegible]
[illegible]:

[illegible] -1
[illegible]
[illegible] 2005 [illegible]
[illegible]

-2 [illegible]
[illegible] 2001/2000 [illegible]

-3 [illegible]

[illegible]

-1 [illegible]

-2 [illegible]

-3 [illegible]

[illegible]

-1 [illegible]

-2 [illegible]

-3 [illegible]

[illegible]

-1 [illegible]

2- [illegible]

3- [illegible]

4- [illegible]

5- [illegible]

6- [illegible]

7- [illegible]

8- [illegible]

9- [illegible]

[illegible]

- [illegible]

ǻ yøǾĦǮǕ Ǩøødǯǩ

Ǩøøøøøøøøǯţǩ Ǩøøøøøøøſłƹǫ

[illegible]:

[illegible] مَّا لَكُمْ لَا تَرْجُونَ لِلَّهِ وَقَارًا ﴿١٣﴾ وَقَدْ خَلَقَكُمْ أَطْوَارًا ﴿١٤﴾ [[illegible]: 13-14] [illegible] يَا أَيُّهَا النَّاسُ إِن كُنتُمْ فِي رَيْبٍ مِّنَ الْبَعْثِ فَإِنَّا خَلَقْنَاكُم مِّن تُرَابٍ ثُمَّ مِن نُّطْفَةٍ ثُمَّ مِنْ عَلَقَةٍ ثُمَّ مِن مُّضْغَةٍ مُّخَلَّقَةٍ وَغَيْرِ مُخَلَّقَةٍ لِّنُبَيِّنَ لَكُمْ ۚ وَنُقِرُّ فِي الْأَرْحَامِ مَا نَشَاءُ إِلَىٰ أَجَلٍ مُّسَمًّى ثُمَّ نُخْرِجُكُمْ طِفْلًا ثُمَّ لِتَبْلُغُوا أَشُدَّكُمْ ۖ وَمِنكُم مَّن يُتَوَفَّىٰ وَمِنكُم مَّن يُرَدُّ إِلَىٰ أَرْذَلِ الْعُمُرِ لِكَيْلَا يَعْلَمَ مِن بَعْدِ عِلْمٍ شَيْئًا ﴿٥﴾ [[illegible]: 5] وَلَقَدْ خَلَقْنَا الْإِنسَانَ مِن سُلَالَةٍ مِّن طِينٍ ﴿١٢﴾ ثُمَّ جَعَلْنَاهُ نُطْفَةً فِي قَرَارٍ مَّكِينٍ ﴿١٣﴾ ثُمَّ خَلَقْنَا النُّطْفَةَ عَلَقَةً فَخَلَقْنَا الْعَلَقَةَ مُضْغَةً فَخَلَقْنَا الْمُضْغَةَ عِظَامًا فَكَسَوْنَا الْعِظَامَ لَحْمًا ثُمَّ أَنشَأْنَاهُ خَلْقًا آخَرَ ۚ فَتَبَارَكَ اللَّهُ أَحْسَنُ الْخَالِقِينَ ﴿١٤﴾ [[illegible]: 12-14].

[illegible] (1).

[illegible]

1- [illegible] 1419 [illegible] 1999 [illegible] 36 [illegible] 3208 [illegible] 1419 [illegible] 1998 [illegible] 151 [illegible] 6723.

.(1)

.(2)

.(3)

-12: ﴿وَلَقَدۡ خَلَقۡنَا ٱلۡإِنسَٰنَ..... فَتَبَارَكَ ٱللَّهُ أَحۡسَنُ ٱلۡخَٰلِقِينَ ﴾ 14

.(4)

---

1 .6726
2 .156 1997/ 1417
3 .9-8-7 1985/ 1405
.55-54-53 1999/ 1419
706 795
.72-71 1986/ 1406 1993/ 1414
4 .155

[illegible]

[illegible] ﴿وَلَقَدۡ خَلَقۡنَا ٱلۡإِنسَٰنَ مِن سُلَٰلَةٖ مِّن طِينٖ ١٢﴾ [12] [illegible]

[illegible]

[illegible] (1) [illegible]

[illegible]

[illegible]

[illegible] (2) [illegible]

﴿أَكَفَرۡتَ بِٱلَّذِي خَلَقَكَ مِن تُرَابٖ ثُمَّ مِن نُّطۡفَةٖ ثُمَّ سَوَّىٰكَ رَجُلٗا ٣٧﴾ [37]

﴿هُوَ ٱلَّذِي خَلَقَكُم مِّن تُرَابٖ ثُمَّ مِن نُّطۡفَةٖ ٦٧﴾ [67]

﴿خَلَقَ ٱلۡإِنسَٰنَ مِن نُّطۡفَةٖ فَإِذَا هُوَ خَصِيمٞ مُّبِينٞ ٤﴾ [4]

﴿مِنۡ أَيِّ شَيۡءٍ خَلَقَهُۥ ١٧ مِن نُّطۡفَةٍ خَلَقَهُۥ فَقَدَّرَهُۥ ١٩﴾ [17-19] [illegible] (3):

1 [illegible] 1417/1996 (75/12) [illegible] 1414/1994 (335/5).

2 [illegible] 1408/1988 (662/6).

3 - [illegible] 1404/1984 109-110.



نطفة
مذكر

[illegible]

[illegible] مِّن مَّنِيٍّ يُمْنَىٰ ﴿٣٧﴾ [illegible]

[illegible] [1]«

[illegible] 99 [illegible]

[illegible] 01 [illegible]

[illegible] أَلَمْ يَكُ نُطْفَةً مِّن مَّنِيٍّ يُمْنَىٰ ﴿٣٧﴾

[illegible] 37 [illegible]

[illegible] [2]

[illegible] 23 [illegible]

[illegible] 22 [illegible] (Y).

[illegible] 22 [illegible] (X).

[illegible] (22+Y) [illegible]

[illegible] 22 [illegible] X [illegible]

[(22+Y) [illegible] + (22+X) [illegible] = (44+XY) [illegible]].

[illegible] (22+X) [illegible] (22+X) [illegible]

[illegible]

[(22+X) [illegible] + (22+Y) [illegible] = (44+XX) [illegible]].[3]

1 [illegible] (539/5).

2- [illegible] 13-14.

3 - [illegible] 1417هـ/1996م [illegible] 90.

[illegible]

[illegible] ﴿وَأَنَّهُۥ خَلَقَ ٱلزَّوْجَيْنِ ٱلذَّكَرَ وَٱلْأُنثَىٰ ﴿٤٥﴾ مِن نُّطْفَةٍ إِذَا تُمْنَىٰ ﴿٤٦﴾﴾

[illegible] 46-45] [illegible]

[illegible]

[illegible] 01 [illegible] ﴿٧﴾ ثُمَّ جَعَلَ نَسْلَهُۥ مِن سُلَٰلَةٍ مِّن مَّآءٍ مَّهِينٍ ﴿٨﴾﴾

[illegible] 08] [illegible]

[illegible]

[illegible]

[illegible] (1) [illegible] ﴿٤﴾ فَلْيَنظُرِ ٱلْإِنسَٰنُ

مِمَّ خُلِقَ ﴿٥﴾ خُلِقَ مِن مَّآءٍ دَافِقٍ ﴿٦﴾ يَخْرُجُ مِنۢ بَيْنِ ٱلصُّلْبِ وَٱلتَّرَآئِبِ ﴿٧﴾﴾ [illegible] 7-5] [illegible]

[illegible]

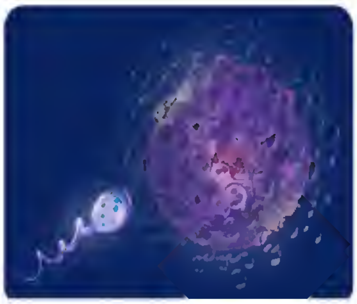
[illegible] (2).

[illegible] (3).

1- [illegible] 1417/1996 [illegible] 84-76.

2- [illegible] 1420/1999 [illegible] 69-67.

3- [illegible] 124.



عملية الالقـ...

﴿ إِنَّا خَلَقْنَا ٱلْإِنسَـٰنَ مِن نُّطْفَةٍ أَمْشَاجٍ ﴾ (02)



رأس الحيوان المنوي وقد اخترق البويضة وبقي العنق ...

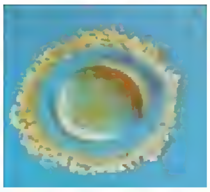
1- ... 17.

2- ... 1414هـ/1994م (196/2) ... 4438.

3- ... 189.

4- ... 85.

[illegible]



بـويـضـة حـولـهـا الـتـاج الـمـشـع

[illegible] (1).

[illegible] 16 [illegible] "BLASTULA [illegible]

[illegible] (2).

[illegible]

[illegible] ﴿١٩﴾ أَلَمۡ نَخۡلُقكُّم مِّن مَّآءٖ مَّهِينٖ ﴿٢٠﴾ فَجَعَلۡنَٰهُ فِي قَرَارٖ مَّكِينٍ ﴿٢١﴾ إِلَىٰ قَدَرٖ مَّعۡلُومٖ

﴿٢٢﴾ [illegible] :20) [illegible] ﴿١٢﴾ ثُمَّ جَعَلۡنَٰهُ نُطۡفَةٗ فِي قَرَارٖ مَّكِينٖ ﴿١٣﴾ [illegible] :13)

[illegible].

1- [illegible] 129.

2- [illegible] 70. [illegible] 84-88. [illegible] 195-200.



القـرار

[13] (1)

(2)

(3)

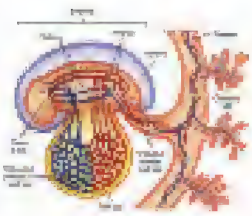
ثُمَّ خَلَقْنَا ٱلنُّطْفَةَ عَلَقَةً

ثُمَّ خَلَقْنَا ٱلنُّطْفَةَ عَلَقَةً [14]

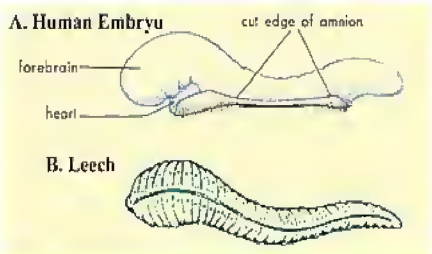
1- 82، 55-66.

2- 1418هـ/1998م، 108.

3- (865/4).



شبكة الأوعية الدموية المغلقة تجعل



الجنين في مرحلة العلقة، يشبه

[illegible] (1).

[illegible] ﴿ٱللَّهُ يَعۡلَمُ مَا تَحۡمِلُ كُلُّ أُنثَىٰ وَمَا تَغِيضُ ٱلۡأَرۡحَامُ وَمَا تَزۡدَادُۖ وَكُلُّ شَيۡءٍ عِندَهُۥ بِمِقۡدَارٍ ٨﴾ [illegible] (2).

[illegible] (*SOMITES*)

[illegible] (3).

[illegible] ﴿فَخَلَقۡنَا ٱلۡعَلَقَةَ مُضۡغَةٗ﴾ [illegible] 14 [illegible]

[illegible]

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1 [illegible] 159.

2 [illegible] 79 [illegible] 105.

3 [illegible] (497/5).

[illegible] .[1]

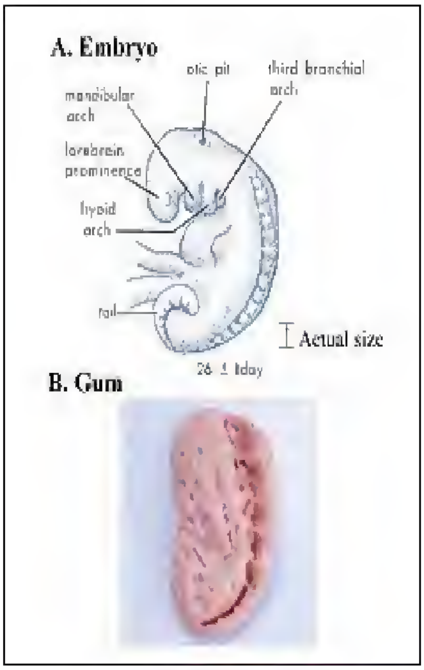
[illegible] ﴿ثُمَّ مِن مُّضْغَةٍ مُّخَلَّقَةٍ وغير مُخَلَّقَةٍ﴾ [illegible 5].

[illegible] .[2]

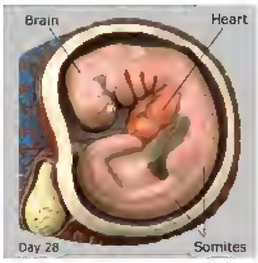
[illegible]

[illegible] .[3]

[illegible] .[4]



المضغة بعد 26 يوما تبدو كمضغة لحم لفظتها الأسنان



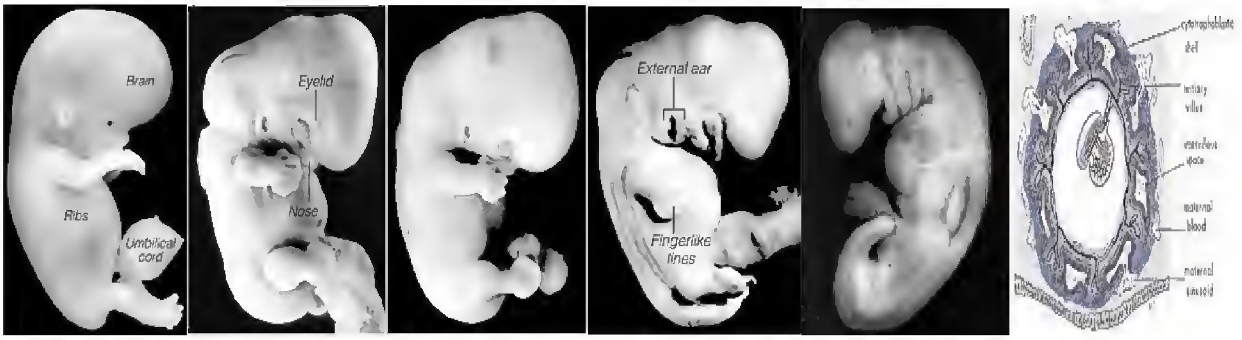
صورة مضغة تبلغ من العمر 28 يوما تظهر

1- [illegible] 39.

2- [illegible] (8/12).

3- [illegible] 207-208.

4- [illegible] 1389/1969 [illegible] 63 [illegible] 2006 [illegible] 19.



المضغة — اليوم 44   العلقة — اليوم 42

[illegible]

[illegible] ﴿فَخَلَقْنَا ٱلْمُضْغَةَ عِظَٰمًا فَكَسَوْنَا ٱلْعِظَٰمَ لَحْمًا﴾ [illegible: 14] [illegible]

[illegible] [1] [illegible] [2] [illegible] [3] [illegible]

[illegible]: [illegible].

[illegible]: [illegible] [4].

1- [illegible] 286.

2- [illegible] 278.

3- [illegible] 122.

4- [illegible] 20.

[illegible]

[illegible]

[illegible]

[illegible] ﴿ثُمَّ أَنشَأۡنَـٰهُ خَلۡقًا ءَاخَرَ﴾ [14: [illegible]].

[illegible] [1] [illegible] [2].

[illegible]:

[illegible] ﴿هُوَ ٱلَّذِي يُصَوِّرُكُمۡ فِي ٱلۡأَرۡحَامِ كَيۡفَ يَشَآءُ﴾ [illegible: 06] [illegible] ﴿وَلَقَدۡ خَلَقۡنَـٰكُمۡ ثُمَّ صَوَّرۡنَـٰكُمۡ﴾ [illegible 11] [illegible] ﴿يَـٰٓأَيُّهَا ٱلۡإِنسَـٰنُ مَا غَرَّكَ بِرَبِّكَ ٱلۡكَرِيمِ ٱلَّذِي خَلَقَكَ فَسَوَّىٰكَ فَعَدَلَكَ﴾

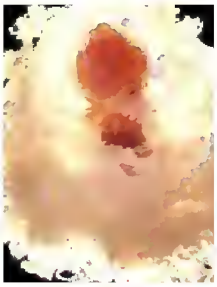
1- [illegible] (74/12).
2- [illegible] 372.

﴿فِيٓ أَيِّ صُورَةٖ مَّا شَآءَ رَكَّبَكَ ٨﴾ [illegible] 6-8 [illegible]



صورة توضح تكون الوجه من الأسبوع الرابع إلى الأسبوع

[illegible] (x) [illegible] (Y) [illegible] [1] [illegible] [2].



الجنين في أسبوعه

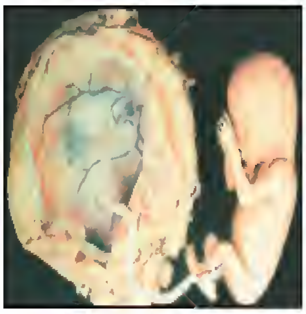
[illegible]

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1 [illegible] 299-300 [illegible] 183.

2- [illegible] 374-375.

[illegible] 691 [illegible] 751 [illegible] 68-70.



الأسبوع الثاني عشر ويظهر شكل الجنين وقد اعتدلت أحجام الرأس والجسم والأطراف

[illegible] ...»(1).

[illegible]

1 [illegible] 1418/1998 [illegible] 301.

[illegible]

[illegible]

[illegible]

[illegible] ...

[illegible]

[illegible]

[illegible] فَإِذَا سَوَّيْتُهُۥ
وَنَفَخْتُ فِيهِ مِن رُّوحِى فَقَعُوا۟ لَهُۥ سَـٰجِدِينَ ﴿٢٩﴾ [illegible: 29] ٱلَّذِىٓ أَحْسَنَ كُلَّ شَىْءٍ
خَلَقَهُۥ ۖ وَبَدَأَ خَلْقَ ٱلْإِنسَـٰنِ مِن طِينٍ ﴿٧﴾ ثُمَّ جَعَلَ نَسْلَهُۥ مِن سُلَـٰلَةٍ مِّن مَّآءٍ مَّهِينٍ ﴿٨﴾ ثُمَّ سَوَّىٰهُ
وَنَفَخَ فِيهِ مِن رُّوحِهِۦ ۖ وَجَعَلَ لَكُمُ ٱلسَّمْعَ وَٱلْأَبْصَـٰرَ وَٱلْأَفْـِٔدَةَ ۚ قَلِيلًا مَّا تَشْكُرُونَ ﴿٩﴾
[9-7: [illegible]].

[illegible] (1) [illegible]:

1- [illegible]: [illegible].

2- [illegible]: [illegible]

1- [illegible] 1411 [illegible] 1991 [illegible] 427-426.

[illegible]

[illegible]



الجنين وقد دخل
الحياة الإنسانية،
وهو هنا يتحرك
ويتقلب ويمص أصبعه
بعد نفخ الروح

[illegible]

[illegible]

[illegible]

[illegible] [1] [illegible]
[illegible]
[illegible] «[illegible]» [2].

[illegible] ﴿وَٱلَّذِينَ يُتَوَفَّوۡنَ مِنكُمۡ وَيَذَرُونَ أَزۡوَٰجٗا يَتَرَبَّصۡنَ بِأَنفُسِهِنَّ أَرۡبَعَةَ أَشۡهُرٖ وَعَشۡرٗاۖ فَإِذَا بَلَغۡنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيۡكُمۡ فِيمَا فَعَلۡنَ فِيٓ أَنفُسِهِنَّ بِٱلۡمَعۡرُوفِۗ وَٱللَّهُ بِمَا تَعۡمَلُونَ خَبِيرٞ ٢٣٤﴾ [[illegible]: 234].

[illegible]:
«[illegible]» [3].

[illegible]
[illegible] [4].

[illegible]:
[illegible]
[illegible].

[illegible]: «[illegible]
[illegible]...» [5] [illegible]
[illegible]: «[illegible]» [6]. [illegible]
[illegible]
«[illegible]» [7].

---

1 [illegible] (6/12) [illegible] 164.
2 [illegible] 614.
3 [illegible] 164.
4 - [illegible]
1419هـ/1999م، ص29.
5 - [illegible] (6/12).
6 [illegible]: [illegible] (201/1).
7 [illegible] 163.

[illegible]

[illegible] [1]

[illegible] [2] [illegible]

1- [illegible]

2- [illegible]

3- [illegible] ﴿ثُمَّ سَوَّىٰهُ وَنَفَخَ فِيهِ مِن رُّوحِهِۦ﴾ [illegible] :9 [illegible]

---

1 - [illegible] 1410هـ/1990م [illegible] 45.

2 - [illegible] 174-180.

[illegible]

[illegible]:

1- [illegible].[1]

2- [illegible]:[2]

[illegible].

[illegible].

[illegible]

﴿وَلَقَدۡ خَلَقۡنَا ٱلۡإِنسَٰنَ مِن سُلَٰلَةٖ مِّن طِينٖ ١٢ ثُمَّ جَعَلۡنَٰهُ نُطۡفَةٗ فِي قَرَارٖ مَّكِينٖ ١٣ ثُمَّ خَلَقۡنَا ٱلنُّطۡفَةَ عَلَقَةٗ فَخَلَقۡنَا ٱلۡعَلَقَةَ مُضۡغَةٗ فَخَلَقۡنَا ٱلۡمُضۡغَةَ عِظَٰمٗا فَكَسَوۡنَا ٱلۡعِظَٰمَ لَحۡمٗا ثُمَّ أَنشَأۡنَٰهُ خَلۡقًا ءَاخَرَۚ فَتَبَارَكَ ٱللَّهُ أَحۡسَنُ ٱلۡخَٰلِقِينَ ١٤﴾ [illegible]: 12-14] [illegible]

1- [illegible] 24.

2- [illegible] 78-86.



جنين في رحم أمه وقد نفخت فيه الروح ماسك بالحبل السري الذي ينقل إليه الهواء والغذاء، وقد

[illegible] 120 [illegible] *JULIOS* [illegible] *KOREN* [illegible]

[illegible] (1989 [illegible] 25-20) [illegible] ... [illegible] «[illegible]».(1)

[illegible] - [illegible] 140 [illegible] 1410 [illegible] 1407/06/20.

[illegible].

1- [illegible] 164-165.

ğPäł Ǩøøøøøøød Ǻǩ

Ćǩnøøøø ÓDǨǩ ρ Ǩǯĭǩ ɑ ǯF

[illegible]

1- [illegible] (325/1).

2- [illegible] 281.

3- [illegible] 1418/1998 [illegible] 291.

4- [illegible] 213.

حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَىٰ وَهْنٍ [2]

1 (1/721-722).

2 1993

3 16

4 (1/515).

5 130

[illegible] ﴿وَإِذْ أَنتُمْ أَجِنَّةٌ فِي بُطُونِ أُمَّهَـٰتِكُمْ﴾ [illegible: 32].

[illegible] [1].

[illegible]

[illegible]

1- [illegible]

[illegible]

2- [illegible] [2].

[illegible] [3] [illegible]

1- [illegible] (72-17).

2- [illegible] (231-230 /11) [illegible] 1999/[illegible]1419 [illegible] (257/1) [illegible] 1997/[illegible]1418.

3- [illegible] 157.

[illegible] 384 [illegible] 456 [illegible] 10-5.

(1)

(2)

2 -

(3)

(4)

3 -

(5)

(6)

1 (267-266/10).

2 (34-33/11).

3 (356/1) 1410/1990

(385/12) 1419/1999

4 (470/20) 1415/1995 (371/5).

5 (30/9).

6 (227/6) 1417/1996

(192/8) 1417/1997.

4- [illegible]:

[illegible] [1] [illegible]

[illegible] [2].

[illegible]

[illegible]

[illegible]:

1. [illegible].

2. [illegible] [3].

[illegible] [4] [illegible] [5].

---

1 [illegible] (189/1) [illegible] 1415 [illegible] 1995 [illegible]; [illegible] (26/6) [illegible] 1414 [illegible] 1993 [illegible]; [illegible] 1418 [illegible] 1997 (332/1).

2 - [illegible] 1419 [illegible] 1998 [illegible] 161.

3 - [illegible] 2001 [illegible] 90.

4 - [illegible] 1998 [illegible] 161.

5 - [illegible] 2002 [illegible] 27.

(FETUS) (EMBRYO)

[1](An anborn child)

(FOETUS) (EMBRYON)

(NOUVEAU-Né) [2].

1 . 205 . 121

2 .(569/6)

[illegible]

[illegible]

[illegible]

[illegible].

1- **[illegible]**:

- [illegible] (1).

- [illegible] (2).

- [illegible] (3).

2- **[illegible]** [illegible].

3- **[illegible]**: [illegible] (4) [illegible] ﴿يُوصِيكُمُ ٱللَّهُ فِيٓ أَوۡلَٰدِكُمۡۖ﴾ [[illegible]: 11].

[illegible] ﴿يَسۡتَفۡتُونَكَ قُلِ ٱللَّهُ يُفۡتِيكُمۡ فِي ٱلۡكَلَٰلَةِۚ إِنِ ٱمۡرُؤٌاْ هَلَكَ لَيۡسَ لَهُۥ وَلَدٞ وَلَهُۥٓ أُخۡتٞ فَلَهَا نِصۡفُ مَا تَرَكَۚ وَهُوَ يَرِثُهَآ إِن لَّمۡ يَكُن لَّهَا وَلَدٞۚ فَإِن كَانَتَا ٱثۡنَتَيۡنِ فَلَهُمَا ٱلثُّلُثَانِ مِمَّا تَرَكَۚ وَإِن كَانُوٓاْ إِخۡوَةٗ رِّجَالٗا وَنِسَآءٗ فَلِلذَّكَرِ مِثۡلُ حَظِّ ٱلۡأُنثَيَيۡنِۗ﴾ [[illegible]: 176].

[illegible] ﴿وَإِن كَانَ رَجُلٞ يُورَثُ كَلَٰلَةً أَوِ ٱمۡرَأَةٞ وَلَهُۥٓ أَخٌ أَوۡ أُخۡتٞ فَلِكُلِّ وَٰحِدٖ مِّنۡهُمَا ٱلسُّدُسُۚ فَإِن كَانُوٓاْ أَكۡثَرَ مِن ذَٰلِكَ فَهُمۡ شُرَكَآءُ فِي ٱلثُّلُثِۚ﴾ [[illegible]: 12]. [illegible].

1- [illegible] 44 [illegible] 2920. [illegible].

3-2 [illegible] 67 [illegible] 2750-2751. [illegible].

4- [illegible] 1423 [illegible] 2002 [illegible] 141.

[illegible]

1- [illegible]

[illegible]:[1] [illegible]:[2]

﴿وَٱلْوَٰلِدَٰتُ يُرْضِعْنَ أَوْلَٰدَهُنَّ حَوْلَيْنِ كَامِلَيْنِ ۖ لِمَنْ أَرَادَ أَن يُتِمَّ ٱلرَّضَاعَةَ﴾ [illegible: 233] ﴿وَوَصَّيْنَا ٱلْإِنسَٰنَ بِوَٰلِدَيْهِ إِحْسَٰنًا ۖ حَمَلَتْهُ أُمُّهُۥ كُرْهًا وَوَضَعَتْهُ كُرْهًا ۖ وَحَمْلُهُۥ وَفِصَٰلُهُۥ ثَلَٰثُونَ شَهْرًا ۚ﴾ [illegible: 15] ﴿وَوَصَّيْنَا ٱلْإِنسَٰنَ بِوَٰلِدَيْهِ حَمَلَتْهُ أُمُّهُۥ وَهْنًا عَلَىٰ وَهْنٍ وَفِصَٰلُهُۥ فِى عَامَيْنِ أَنِ ٱشْكُرْ لِى وَلِوَٰلِدَيْكَ إِلَىَّ ٱلْمَصِيرُ ﴿١٤﴾﴾ [illegible: 14].

[illegible]

1 [illegible] 291 [illegible] (327-326/8) [illegible] (316/10).
[illegible] (50/30) [illegible] 1418هـ/1997م [illegible] (636/7).
[illegible]
[illegible]
[illegible] 450هـ [illegible] 1407هـ/1987م [illegible] 206-207 [illegible]
[illegible] (2/ 354).
2 [illegible] (11/204).

.[1]

وَٱلْوَٰلِدَٰتُ يُرْضِعْنَ أَوْلَٰدَهُنَّ حَوْلَيْنِ كَامِلَيْنِ

وَحَمْلُهُۥ وَفِصَٰلُهُۥ ثَلَٰثُونَ شَهْرًا

.[2]

.[3]

.[4]

1- ... 1404/1984 ... 92.

2- ... 1414/1993 ... (76/24).

3- ... 1419/1999 ... 96.

4- ... 1418/1997 ... 249.

* ... (595-520) ... Averroes ... 378-379 ... (138/3).

** ... 661 ... 728 ... 61- 66 ... (299-300/3).

[illegible]

2 - [illegible]

[illegible]

1- [illegible] 42 [illegible] 1999 [illegible] 12.

2- [illegible] (190/2) [illegible] 2001 [illegible] 30-31.

3- [illegible] 2002 [illegible] 125.

4- [illegible] 1421 [illegible] 2000 [illegible] 224.

5- [illegible] 323 [illegible] 286.

[illegible]

1 - [illegible] 451.

2 - [illegible] (325/4).

3 - [illegible] (327-326/4).

[illegible] (256/1).

[illegible] 124 [illegible]

[illegible] (255-254/1).

[illegible]

[illegible] (1).

[illegible] (2).

[illegible] (3) [illegible]

[illegible] (4).

[illegible]

[illegible] ﴿وَحَمْلُهُۥ وَفِصَٰلُهُۥ ثَلَٰثُونَ شَهْرًا﴾ [illegible] ﴿وَٱلْوَٰلِدَٰتُ يُرْضِعْنَ أَوْلَٰدَهُنَّ حَوْلَيْنِ
كَامِلَيْنِ﴾ [illegible]

[illegible] (5).

[illegible]

[illegible] (6).

---

(1) [illegible] 36 [illegible] 42 [illegible] (255/1).

1 [illegible] (325/4) [illegible] 7882 [illegible] (477/7). [illegible] (206-205/11).

2 [illegible] (205/11).

3 - [illegible] 452.

4 [illegible] (133/10).

5 - 6 [illegible] (132-131/10).

[illegible] .[1]

[illegible] .[2](354 [illegible])

[illegible] .[3]

2- [illegible]

[illegible] .[4] [illegible]

[illegible] (128 [illegible]) [illegible] (43 [illegible]) [illegible]

[illegible] [5] (137 [illegible]) [illegible]

[illegible]

3- [illegible]

[illegible] .[6]

1- [illegible] (133/10).

2- [illegible] 168 [illegible] 331-330 [illegible] (70-62/2).

3- [illegible] 1409 [illegible] 1989 [illegible] (573/2).

4- [illegible] 42 [illegible] 12 [illegible] 12.

5- [illegible] 282.

6- [illegible] 452.

1- (171/8). (557/4).

2- (7884/10). 293. 1417/1997.

(371-372/11).

3- 217.

[illegible]

2- [illegible]

[illegible] .(1)

[illegible]

[illegible] :(2)

[illegible]

[illegible] (3) [illegible]

[illegible]

1- [illegible] .218

2- [illegible] .248

3- [illegible] .182

[illegible].[1]

[illegible]

[illegible]

[illegible].[2]

[illegible]

[illegible].[3]

[illegible]

[illegible]

[illegible]

[illegible].[4]

[illegible]

[illegible]:

[illegible]

[illegible]

[illegible].[5]

[illegible]

[illegible].

[illegible]

[illegible].[6]

1 [illegible] (172/8). [illegible] (50/4) [illegible] (557/4).
2 [illegible] (52-51/30).
3 [illegible] (391/9). [illegible] 1411[illegible]/1991[illegible] (456/6).
4 [illegible] (822-821/6).
5 [illegible] (51-50/30) [illegible] (392/9).
6 [illegible] (172/8) [illegible] (50/4).

[illegible]

1- [illegible] (558/4).

2- [illegible] (172/8).

3- [illegible] (54/30) [illegible] (456/6).

4- [illegible] (50/4) [illegible] (556/4).

[illegible]

1- [illegible]

2- [illegible]

3- [illegible]

[illegible][1] [illegible] [illegible][2]

[illegible] [illegible][3]

[illegible]

---

1 [illegible] (391/9) [illegible] (52/30).

2 [illegible] (556-555/4).

3 [illegible] (171-170/8) [illegible] (50/4).

(1) (2) (3) (4) (5)

1-2-3 (391/9) (52/30).

4 (7886/10)
(378/11).

5 375ص.

1999م 164-165. 337ص.

. [1]

. [2]

. [3]

. [4]

1- 5758 ... 1016 ... 745-
4391-4392-4393-4394-4395. ... 46
2- 6905-6906-6907-6908 ... 190 ... 46 ... 4397.
3- 1419 ... 1998 ... (294/2).
4- (256/2) ... (193/6) ...
(183-182/4) ... (192/8) ... (101/9) ... (414/6) .
(389-384/12) ... (26/6).

[illegible]

وَمَن قَتَلَ مُؤْمِنًا خَطَـًٔا فَتَحْرِيرُ رَقَبَةٍ مُّؤْمِنَةٍ وَدِيَةٌ مُّسَلَّمَةٌ إِلَىٰٓ أَهْلِهِۦ [illegible] 91: [illegible]

[illegible]

1- [illegible] (28/6).

2-3 [illegible] (33/11).

1- (414/6) .83-84.

2- (54/30).

3- (657/2).

4- (391/12).

5- (55-54/2). 41.

6- 30.

[illegible]

1 [illegible]

[illegible]

1- [illegible] 1408 [illegible] 225 [illegible] 7887/10-7888.

2- [illegible] 324 [illegible] 295.

3- [illegible] (556/4).

[illegible] .[1]

[illegible]

13/12	[illegible]		13/12	[illegible]	
3	4/1	[illegible]	3	4/1	[illegible]
6	2/1	[illegible]	6	2/1	[illegible]
2	6/1	[illegible]	2	6/1	[illegible]
2	6/1	[illegible]	2	6/1	[illegible]
0	[illegible]	[illegible]	0	[illegible]	[illegible]

[illegible]

[illegible]

[illegible] .[2]

[illegible]:

[illegible]

[illegible]:

[illegible] [3] [illegible]

---

1 [illegible] 325 [illegible] 295 [illegible] .7889/10

2 [illegible] (50/4) [illegible] (391/9) [illegible] 324 [illegible] (7889/10) [illegible] 295.

3 [illegible] (52/30) [illegible] (456/4).

[illegible]

[illegible] .[1]

[illegible] .[2]

6	[illegible]		6	[illegible]	
3	2/1	[illegible]	3	2/1	[illegible]
1	6/1	[illegible]	1	6/1	[illegible]
1	6/1	[illegible]	1	6/1	[illegible]
1	6/1	[illegible]	1	6/1	[illegible]

[illegible]

[illegible]

[illegible]:

[illegible] .[3]

1 [illegible] 295 [illegible] (379-387/11).

2 [illegible] 325 [illegible] 296.

3 [illegible] (391/9) [illegible] (49/4) [illegible] (53-52/30) [illegible] (7890/10) [illegible] 298 [illegible] (379/11).

[illegible]

[illegible] [1]

[illegible]	[illegible]	[illegible]	[illegible]	2	[illegible]		2	[illegible]	
-	-	1	1	1	2/1	[illegible]	1	2/1	[illegible]
1	-		0	1	[illegible]	[illegible]	0	[illegible]	[illegible]
-	1		0	0	[illegible]	[illegible]	1	[illegible]	[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [2]

[illegible]	[illegible]	[illegible]	[illegible]	14	2× 7/6	[illegible]		14	7× 2	[illegible]	
-	1	2	6	6	3	2/1	[illegible]	7	1	2/1	[illegible]
-	1		6	6	3	2/1	[illegible]	0	0	2/1	[illegible]
2	-		-	2	1	6/1	[illegible]	7	1	[illegible]	[illegible]

[illegible]

[illegible] (7 [illegible] 2) [illegible] 14 [illegible]

1- [illegible] (556/4).

2- [illegible] (49/4).

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [1] [illegible]

[illegible] [2]

[illegible]:

[illegible] [3]

[illegible]	[illegible]	[illegible]	[illegible]	216	8× 27/24	[illegible]		216	3× 72	3× 24	[illegible]	
-	4	89	32	32	4	ţ+6/1	[illegible]	36	12	4	6/1	[illegible]
-	4		32	32	4	6/1	[illegible]	36	12	4	6/1	[illegible]
-	3		24	24	3	8/1	[illegible]	27	9	3	8/1	[illegible]
25	-		39	64	8	3/2	[illegible]	39	13	13	ţ	[illegible]
64	78		-	64	8		[illegible]	78	26			[illegible]

[illegible] 78 [illegible].

[illegible] 64 [illegible].

1 [illegible] (456/6) [illegible] (556/4) [illegible] (391/9) [illegible] (52/30) [illegible] 296-297-298 [illegible] (379/11) [illegible] (7889-7890/10).

2 [illegible] (7887/10).

3 [illegible] 1410 [illegible] 1990 [illegible] 240.

[illegible] 32 [illegible] 36 [illegible]
.[illegible] 32 [illegible]
.24 [illegible] 24 [illegible] 27 [illegible]
.39 [illegible] 64 [illegible] 39 [illegible]
[illegible] 64 [illegible] 78 [illegible]
[illegible] 78 [illegible] 11 [illegible] 78
[illegible] (4) [illegible] (4) [illegible] (3) [illegible] 11 [illegible]
.[illegible] ([illegible] 25) [illegible] 64 [illegible]

:[illegible]

.[illegible]

[illegible]	[illegible]	[illegible]	[illegible]	216	8× /24 27	[illegible]		216	9× 24	[illegible]	
-	4	32	32	32	4	[illegible] 6/1	[illegible]	36	4	6/1	[illegible]
-	4		32	32	4	6/1	[illegible]	36	4	6/1	[illegible]
-	3		24	24	3	8/1	[illegible]	27	3	8/1	[illegible]
25	12		96	96	12	2/1	[illegible]	108	12	2/1	[illegible]
64	78		-	32	4	6/1	[illegible]	9	1	[illegible]	[illegible]

.216 [illegible] (27 [illegible] 24) [illegible]
[illegible]
[illegible] 32 [illegible]
[illegible] (32) [illegible]
.(12) [illegible] (4) [illegible] (4) [illegible] (3) [illegible]

2- [illegible]

:[1] [illegible]

[illegible]

.[illegible]

.[illegible]

.[illegible]

[illegible]

[illegible]

.[illegible]

.[illegible]

.[2] [illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]				[illegible]				[illegible]				[illegible]			
							× 12	× 5			× 15	× 4			× 20	× 3			× 60		
						480	40	8		480	32	8		480	24	8		480	8		
-	-	-	-	280	60	60	5	1	8/1	60	4	1	8/1	60	3	1	8/1	60	1	8/1	[illegible]
28	70	-	280		140	168	14	7	ţ	210	14	7	ţ	140	7	7	ţ	420	7	ţ	[illegible]
252	210	280	-		-	252	21			210	14			280	14			-	-	-	[illegible]

.8 [illegible]

.24 [illegible]

.32 [illegible]

1- [illegible] 1412هـ/1992 [illegible] 151-152.

2- [illegible] (556/4).

[illegible]
[illegible] 40.

[illegible] (40-32-24-8) [illegible] 480 [illegible]
[illegible]
[illegible].

[illegible] 60 [illegible].

[illegible] 140 [illegible].

[illegible] 280 [illegible] 8
[illegible].

[illegible] 8.

[illegible] 210 [illegible] (70 [illegible]) [illegible].

[illegible] 252 [illegible] 28 [illegible].

3- [illegible]

[illegible] (1):

- [illegible].
- [illegible].
- [illegible].
- [illegible].
- [illegible].
- [illegible].
- [illegible].

[illegible]: [illegible] (2).

1-2 [illegible] 224.

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			[illegible]			[illegible]				[illegible]			[illegible]			[illegible]			
									× 14			× 12			× 7	× 2			× 14			× 14			× 28		
								84	6		84	/6 7		84	12	6		84	6		84	6		84	/6 3		
2	-	2	2	2	16	48	1 2	14	1	1/6	12	1	1/6	14	2	1	1/6	14	1	1/6	14	1	1/6	28	1	1/6	[illegible]
4	-	4	4	4	32		2 4	28	2	1/3	24	2	1/3	28	4	2	1/3	28	2	1/3	28	2	1/3	56	2	1/3	[illegible]
42	48	42	42	42	-		-	42	3	ţ	48	4	2/3	42	6	3	ţ	42	3	1/2	42	3	ţ	-	-	-	[illegible] / dz

[illegible]
[illegible] (2/1) [illegible]
[illegible] 12 [illegible]
.6 [illegible] (3/2)
[illegible] 84 [illegible] (6-7-12-6-6-3) [illegible]
.[illegible]
[illegible] 12 [illegible] 28 [illegible]
.[illegible] 12 [illegible] 14 [illegible]
[illegible] 24 [illegible] 56 [illegible]
.[illegible] 24 [illegible] 28 [illegible]
.[illegible] (48 [illegible]) [illegible]
.([illegible] 32) [illegible] ([illegible] 16) [illegible]
[illegible] 42 [illegible]
.([illegible]) [illegible]

[illegible] 300 [illegible] 43 [illegible]
[illegible] (877-876-875)[3].

[illegible]

[illegible]
[illegible]
[illegible]
[illegible] 43 [illegible] 42 [illegible][4].

[illegible]:
[illegible]
[illegible].

[illegible]
[illegible] 42 [illegible].

[illegible]
[illegible]:

[illegible]
[illegible]
[illegible]:

1- [illegible]
[illegible].

2- [illegible].

1- [illegible] 162-164.

2- [illegible] (7882/10).

3- [illegible] 68.

4- [illegible] 43 [illegible] 12.

[illegible] 57756 [illegible] 22-01-1990 [illegible].

[illegible] [1] [illegible]

[illegible] 44 [illegible]

[illegible] [2]

[illegible] (329 [illegible] 543 [illegible]

[illegible] -2

[illegible]

[illegible] 165 [illegible] [3]

[illegible] 3

[illegible]

1- [illegible] 138 [illegible] 138 [illegible]

2- [illegible] 337 [illegible] 162.

3- [illegible] 224.

[illegible]

[illegible] [1] [illegible] [2]

[illegible] [3]

1- [illegible] 9-10.

2- [illegible] 14.

3- [illegible] 126-183 [illegible] 184-224.

[illegible]

[illegible]

[illegible] [1].

[illegible] 184 [illegible] [2] [illegible] 185 [illegible] [3].

[illegible] [4]:

[illegible]

[illegible]:

1- [illegible].

2- [illegible].

3- [illegible].

4- [illegible].

1- [illegible] 128 [illegible] 22-23.

2-3- [illegible] 47.

4- [illegible] (432/4) [illegible] 14 [illegible] 9-10.

[illegible]

1- [illegible]

2- [illegible]

[illegible]

[illegible] (1) [illegible]

[illegible] (2) [illegible]

[illegible]

1- [illegible] (3) [illegible] (4) [illegible]

[illegible] (5)

2- [illegible]

1- [illegible] (545/2).

2- [illegible] 1996 [illegible] 31-30. [illegible] (394/10) [illegible] 71.

3- [illegible] (69/4) [illegible] (432/4).

4- [illegible] (431/6).

5- [illegible] (69/4) [illegible] (432/4) [illegible] 31. [illegible] (7465-7464/10) [illegible] 434-433. [illegible] 91-89.

[illegible] (1) [illegible]
[illegible] (2).

3- [illegible]
[illegible] (3).

[illegible]
[illegible] (4).

[illegible]:

[illegible] (5).

[illegible]:

[illegible]
[illegible] (6).

[illegible] (7):

1- [illegible].

2- [illegible]
[illegible].

3- [illegible]
[illegible].

1- [illegible] (431/6).

2- [illegible] (86/29).

3- [illegible] (486-485/6).

4- [illegible] (485/6). [illegible] (69/4) [illegible] (432/4) [illegible] (433/4).
[illegible] (86/29).

5- [illegible] 80.

6- [illegible] (7504/10).

7- [illegible] (7466/10). [illegible] 69.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] [1] (237-236) [illegible] 36-35)
[illegible] 243 [illegible] 244 .[2]

[illegible] 187 [illegible]
: [illegible] - [illegible]

[illegible] 187: [illegible]:

-1 [illegible]
[illegible]
.[illegible]

-2 [illegible]
.[illegible]

-3 [illegible].

[illegible] 188 [illegible].

[illegible] 189:

1- [illegible]
[illegible]
.[illegible]

2- [illegible]
.[illegible]

1- [illegible] (7505-7504/10).

2- [illegible] 99-98.

[illegible] [1]

[illegible]

[illegible] [2] [illegible] [3] [illegible] 197 [illegible] 82 [illegible] [4]

[illegible] 117 [illegible] 118 [illegible] [5]

1 [illegible] 40-39 [illegible] 38 [illegible] 71.

2 [illegible] (276/2).

3 - [illegible] 49.

4 [illegible] 21.

5 - [illegible] 40.

[illegible]

:(*Abortion*)

1798

(1)

(2)

(3)

1- .119ص

2- .08 .109

3- .13-12

[illegible]

[illegible] (1) [illegible]

[illegible] 1975 [illegible]

[illegible] 1994 [illegible]

[illegible] 1995 [illegible]

[illegible] 1999 [illegible]

[illegible] 1989 [illegible] (*Universal islamic declaration of human rights*) [illegible]

1- [illegible] 61-68.

[illegible] 1979 [illegible]

[illegible]

Induced Abortion [illegible]

Septic Abortion [illegible] [3] [illegible]

[illegible]

1- [illegible] .85ص

2- [illegible] .115ص

3- [illegible] 2006/01/10 [illegible] 19:50 [illegible]

[illegible]

* [illegible]

[illegible]

[illegible] [1].

[illegible] (28) [illegible] (20) [illegible] [2].

[illegible]

[illegible]

[illegible] 1403 [illegible].

[illegible] [illegible] [3] [illegible] [4] [illegible] [5].

1- [illegible] 241.

2- [illegible] 313.

3- [illegible] 160.

4- [illegible] (541/2) 1415 [illegible] 1994 [illegible] 1421 [illegible] 2001 [illegible] 203.

5- [illegible] 1410 [illegible] 1407/6/20 [illegible] 40 [illegible] 2484 [illegible] 1399/7/16 [illegible] 640 [illegible] 1 [illegible] 1427 [illegible] 2006 [illegible] 14.

(1)

(2)

(3)

1- 210-208.

2- 1410 ... 1407/6/20 ... 40 ... 2484 ... 1399/7/16 ... (548-541/2) ... (533/1).

3- (548/2).

[illegible]

[illegible] .(1)

[illegible]

[illegible]

[illegible] .(2)

[illegible] .(3)

[illegible] .(4)

[illegible]

---

1 [illegible] (299/2) [illegible] (5772/7) [illegible] .262 [illegible]

2 [illegible] (5772/7) [illegible] (546/4) [illegible] (193/8) [illegible] (182/4) [illegible] (193/6).

3 [illegible] 190 [illegible] 6909-6910.

4 [illegible] (182/4).

[illegible] [1].

[illegible]

[illegible] [2].

2- [illegible]

[illegible] [3].

[illegible]

[illegible] [4].

[illegible] [5].

1 [illegible] (414/6) [illegible] (385/12) [illegible] (193/6). [illegible]
[illegible] 264.

2 - [illegible] (5773/7).

3 [illegible] 313.

4 [illegible] (385/12) [illegible] (193/6) [illegible] (658/2) [illegible]
[illegible] (101/9).

5 [illegible] (658/2). [illegible] (194/6).

[illegible]

. [1] [illegible]

[illegible]

. [2] [illegible]

3 - [illegible]

. [3] [illegible]

4 - [illegible]

. [4] [illegible]

[illegible]

---

1 [illegible] (102/9) [illegible] (194/6) [illegible] (658/2) [illegible].

2 [illegible] (33/11).

3 - [illegible] (5773/7).

4 - [illegible] (384/12) [illegible] (26/6) [illegible] (101/9) [illegible] (193/6) [illegible] (415/6) [illegible] (182/4) [illegible] (192/8) [illegible] (656/2) [illegible].

[illegible] .[1]

[illegible] .[2]

[illegible]

[illegible] .[3]

[illegible]

[illegible] .[4]

[illegible]

[illegible] .[5]

[illegible]

[illegible] .[6]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] .[7]

1- [illegible] (415/6) [illegible] (102/9) [illegible] (193/6) [illegible] (183/4).

2- [illegible] (193/8).

3- [illegible] (26/6).

4- [illegible] 97.

5-6- [illegible] 67 [illegible] 2750-2751. [illegible]

7- [illegible] (184/4).

1- (26/6).

2- (193/8) (184/4) (389/12)
(257/2).

3- (101/9).

4- (102/9).

5- (389/12) (193/8)
(657/2).

6- (657/2).

7- (300/2).

[illegible]

[illegible] 304 [illegible] (313 [illegible] (1) [illegible].

[illegible]

[illegible] 304 [illegible] 500 [illegible] 10000 [illegible].

[illegible].

[illegible] 304 [illegible].

[illegible] 304 [illegible] (2) [illegible].

[illegible] (3) [illegible].

1- [illegible] 1999 [illegible] 85-87.

2- [illegible] 385-386.

3- [illegible] 61.

[illegible]

[illegible] (1) [illegible]

[illegible] 304 [illegible]

[illegible] 10000 [illegible] 500 [illegible]

[illegible] 304 [illegible]

[illegible] (2)

[illegible] 304 [illegible] 305 [illegible]

---

1 [illegible] .385

2 [illegible] .387

1- .255-254

2- 1419/1998 (74/2).

﴿ ٱلۡمَالُ وَٱلۡبَنُونَ زِينَةُ ٱلۡحَيَوٰةِ ٱلدُّنۡيَا ﴾ [46]

(1)

1- ... 25- 26.

(1)

(2)

1780

1781

(3)

(4) 1944

1966

59

(5)

1- 1413/1993، 452.

2- (1/243-244) 1405

3- 55.

4- 1419/1999، 170.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] (*In Vivo Fertilization*) [illegible]

[illegible]

[illegible] [2]

[illegible] [3]

1 [illegible]

2- [illegible]

3- [illegible]

4- [illegible]

5- [illegible]

6- [illegible]

[illegible] [4]

1- [illegible] 2003 [illegible] 89-90. [illegible] 53 [illegible] 1422 [illegible] 2001 [illegible] 47.

2- [illegible] 76.

3- [illegible] 48-49.

4- [illegible] 49-51.

[illegible] «[illegible]».[1]

- [illegible] 1987 [illegible]
[illegible] «[illegible]».[2]

- [illegible] «[illegible]».[3]

[illegible] [4] [illegible] «[illegible]».[5]

- [illegible] ﴿نِسَآؤُكُمۡ حَرۡثٞ لَّكُمۡ فَأۡتُواْ حَرۡثَكُمۡ أَنَّىٰ شِئۡتُمۡۖ وَقَدِّمُواْ لِأَنفُسِكُمۡۚ وَٱتَّقُواْ ٱللَّهَ وَٱعۡلَمُوٓاْ أَنَّكُم مُّلَٰقُوهُۗ وَبَشِّرِ ٱلۡمُؤۡمِنِينَ ٢٢٣﴾ [223:] [illegible] [illegible].[6]

---

1 [illegible] 1422/2001 [illegible] 282.
2-3 - [illegible] 102.
4 [illegible] 1405 (1/358-360).
5 - [illegible] (2/14).
6 [illegible] 359.

﴿فَلۡيَنظُرِ ٱلۡإِنسَٰنُ مِمَّ خُلِقَ ۝٥ خُلِقَ مِن مَّآءٖ دَافِقٖ ۝٦ يَخۡرُجُ مِنۢ بَيۡنِ ٱلصُّلۡبِ وَٱلتَّرَآئِبِ ۝٧﴾ [5-6-7]

﴿أَلَمۡ نَخۡلُقكُّم مِّن مَّآءٖ مَّهِينٖ ۝٢٠ فَجَعَلۡنَٰهُ فِي قَرَارٖ مَّكِينٖ ۝٢١﴾ [20-21]

.(1)

1 ... 1984 ...

.(2)

2 ...

(3) ...

.(4)

1- ... 1405 ... (1/366-367).
2- ... 1405 ... (1/291).
3- ... 144.
4- ... 81.

1404 ... 1403 .(1)

...

... (2)

... 985/03/18 ... (3) ...

... (4) ...

1- ... 1405 (290/1).

2- ... 132.

3- ... (291/1).

4- ... 1405 (258-259/1).

[illegible]

[illegible] .(1)«[illegible]

[illegible] (2) [illegible] (3) [illegible]

[illegible] .(4)«[illegible]

[illegible] (*In Vitro Fertilization*)

[illegible]

[illegible] :(5)[illegible]

1- [illegible]

2- [illegible]

3- [illegible]

1- [illegible] 1405 [illegible] (1/252-255).

2- [illegible] 1405 [illegible] (1/328).

3- [illegible] 92.

4- [illegible] 283.

5- [illegible] 94.

[illegible] [1]:

1- [illegible]

2- [illegible]

3- [illegible]

4- [illegible] (96-48) [illegible]

[illegible]

[illegible] [2]:

[illegible] 1978 [illegible]

[illegible] [3].

1- [illegible] 134-135.

2- [illegible] 77-78 [illegible] (1/325-326).

3- [illegible] 328.

[illegible] (1) [illegible]:

1- [illegible].

2- [illegible].

3- [illegible].

4- [illegible].

5- [illegible] (2).

[illegible] *: [illegible]:

1- [illegible]...

2- [illegible].

3- [illegible]...

[illegible] (3).

[illegible] (4) [illegible] (5).

1-2- [illegible] 135.

* [illegible] 1420.

3- [illegible] 1405 (1/259-260).

4- [illegible] 1405 (1/329).

5- [illegible] (2/14).

[illegible].[1]

[illegible]:

- [illegible].

- [illegible].

- [illegible].[2]

[illegible]

[illegible].

[illegible]

[illegible]

[illegible].

[illegible][3] [illegible]

[illegible].[4]

[illegible]

[illegible].

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1804 [illegible]

[illegible] 300 [illegible]

[illegible].[5]

[illegible].

1- [illegible] 174-175..

3- [illegible] 1405 [illegible] (1/328).

4- [illegible] 135.

5- [illegible] 97-98.

(Surrogate Mother)

[illegible] (1)

[illegible] (2) Storkes [illegible]

[illegible] 500 [illegible]

1- [illegible] 1405 (282/1) [illegible]

2- [illegible] 123 [illegible]

[illegible]

1- [illegible] (1)

2- [illegible] (2)

3- [illegible] (3)

4- [illegible] (4)

1- [illegible] (267/1) 1405 [illegible]

2- [illegible] 182-183 [illegible] (265/1) [illegible] 137 [illegible]

3- [illegible] 138-141.

[illegible]

[illegible] 11 [illegible]:

- [illegible].
- [illegible]:
  - [illegible]
  - [illegible]
  - [illegible].
- [illegible].[1]

[illegible] [2] [illegible]:

1. [illegible] 11 [illegible].
2. [illegible].
3. [illegible].

1- [illegible] 27 [illegible] 2005 [illegible] 15، 18 [illegible] 1426 [illegible] 21.

2- [illegible] 164.

[illegible]

[illegible]

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ملخص البحث

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RESUME DU PROJET

Nous avons réparti cette recherche en deux parties. Préalablement, ces deux parties sont accompagnés d'un chapitre qui prend en charge les périodes de la création du fœtus durant la grossesse à la lumière du coran, le discours du prophète et de tous ce que les recherches contemporaines provoquées.

Pour de faire, nous avons pris des photos très récentes (de chaque période) filmées par le microscope suivant :

1) le miracle du corna et du discours du prophète d'un coté , dans la description minutieux de différents périodes de l'évolution de fœtus, d'un autre coté , dans les réalités scientifiques adaptées convenablement et des changements embryonnaires. Ces périodes sont :

Période de boue (argile), période de sperme, période de mastication, période de construction des os et de la viande, et enfin période de la création de l'autre et de souffler l'âme.

2) les savants (penseurs) contemporains de l'islam ont cité dans leurs ouvrages tous ce qui se passe dans ces périodes avec des précisions claires, ce qui est estimé par les savants contemporains de l'embryologie comme une nouvelle découverts comme IBN RADJAB ELHANBALI dans son ouvrage (Djamia Elouloum wa Elhikam) et IBN ELKAYAM dans (ELTIBIANE FI AKSSAM ELKOR'ANE)

3) la vie qui apparaît dans le fœtus, ne peut pas être accomplie une seule fois, mais en revanche, elle passe par tris périodes cellulaire, végétale et période humaine qui est la plus importante dont on acquiert la caractéristique humaine.

4) le soufflage de l'âme dans le fœtus se fait après 120 jours de fécondation, ce qui ce qui est confirmé la médecine contemporaine par l'apparition de gestes volontaires provoquées par le système nerveux du fœtus, précisément dans le cerveau, origine des actions volontaires qui affirment le soufflage de l'âme .

Cela est témoigné par le discours d'Ibn Masaoud rapporté par ELcheykhane et agrée par les organismes jurisprudents contemporains sont les seuls qui eraient contre nous avons fait l'étude de quelques droits garanties de la grossesse qui sont l'hérétage et le testament.

Dans le premier chapitre, nous avons définie la grossesse comme terme linguistique, jurisprudent, canonique et médical et la justification de son hérétage et ses conditions.

Nous avons distingués entre : la grossesse d'un mort et la grossesse d'un vivant et la cause de la distinction entre le deux.

Ainsi que les opinions des jurisprudents dans la considération de sont nombre, l'hérétage d'ELGHORA , les cas de grossesse , et la solution des questions pratiques sur chaque cas avec sont analyse. Ensuite, les matières de l'hérétage de la grossesse dans le code algérienne en le comparant avec quelques codes arabes.

Dans le deuxième chapitre, nous avons fait la définition de la tutelle, sont rapport avec l'hérétage , ces conditions et le point de vue des ligeslateurs vis-à-vis elle .

Dans la deuxième partie, nous avons fait l'étude de quelques codes de la grossesse dans deux chapitres distincts

Dans le premier, nous avons étudié le sujet de l'abortion, en expliquant ces divergences historiques . le point de vue de la jurisprudence islamique ainsi celui du code fait par l'être humain,

Dans le deuxième , nous avons intégré l'image contemporaine de la grossesse (la fécondation artificielle avec ces deux espèces, intérieure et extérieure, et l'utérus)l'histoire de son apparition, ensuite le point de vue législative et canonique d'après ces images

Nous avons pour réalisé ce projet, pris comme référence la bibliothèque « AMTADAT » en se basant sur les ouvrages patrimoine jurisprudent et scientifique jusqu'à les ouvrage récents et contemporains.

L'apport de professeurs Docteur MED ALI ELBAR sur notre recherche est très considérable.

Nous sommes éclairés par ces brillantes idées diffusées dans ces ouvrages les plus intéressants (la création de l'homme, le bref, le fœtus déformé, la politique de la

délimitation de progéniture, dessertations de l'introduction de l'assemblée de la jurisprudence islamique, les enfants des tubes…)

Cet auteur est considéré comme spécialiste dans les études médicales contemporaines à la lumière de la religion islamique . il est également considéré comme une référence importantes dans ce domaine.

Nous avons aussi basé sur les ouvrages législatifs , médicaux, ainsi les révues édités par les assemblées et les colloques jurisprudents.

Après cette exposé , nous serons obligé de déterminer avec une certaines satisfaction de notre part concernant ce peu nous avons eu comme résultats contenues dans cette recherche lies plus importantes seront :

la grande importance de ce sujet aujourd'hui et au future .en effet, il traite le -1 problématiques éthyques, juridique et religieuses causés par les nouveautés dans le domaine de la médecine et de la science qui ont une grande relation avec elle . elles exigent de trouver des codes et des précisions convenables ce qui le rend le sujet des colloques et des et des forums scientifiques , et de point le plus traité par les journaux et les revues .

le temps de la grossesse est déférent d'une femme à une autre , entre des -2 limites minimums et maximum, et la référence pour cele c'est la médecine, en fait , la médecine d'aujourd'hui a prouvé que le fœtus ne peut pas dépasse 10 mois dans le ventre de ça mère, il ne peut pas aussi vivre en dehors du ventre de ça mère après six mois seulement de fécondation pour que sont appareil respiratoire se libère de celui de son mère ce temps la .

la législateur algérien a bien fait lorsqu'il a pris le point de vue médicale malgré qu'il est déférent de la plupart codes arabes .

la législation islamique était la première à assurer les droits concrets et abstraits -3 du fœtus avant sa naissance . elle lui a donc protégé sa part de l'hétérage et lui a permis la tutelle si les conditions nécessaires sont mises en places et pu en a pas édité des lois de l' hérétage et de la tutelle dans le code de la famille algérienne de la législation islamique .

cependant, elle n'est pas dépendue d'une doctrine précise, mais elle a choisi des propres des jurisprudents ce qui convient et plus proche de l réalité

l'existence d'un vide législatif dans les lois de l' hérétage et de la tutelle -4
dépendant de fœtus
nous avons proposé plusieurs articles pour la récupérer .
la civilisation occidentale tombe dans une chute éthyque continue causé par la -5
réparation de la religion de la législation , auparavant elle a donné une très grande importance à la vie humaine et l'éthyque et elle empêche tous ce qui conduit à la corruption de la société
maintenant ce n'est plus le cas , elle commence à légiférer à tous ce qui contre la religion et l'éthyque, ce qui été avaient un crime il devient aujourd'hui un droit légitime comme l'abortion, la liberté sexuelle, l'homosexualité ...
donc , il est très prédominale de sauvegarder la religion et la concéder comme une source à toutes les législations de tous les domaines de la vie. En fait , la religion est le seul conservateur qui protège la la société et la rend de plus en plus solide et loin de toute calamitée maladies.
la législation islamique contient la protection complète du fœtus pendant l -6
grossesse : elle a empêché l'abortion le péché est plus confirmé ou résulté d'un rapport sexuelle illégale tuer le fœtus un grande crime à l'exception d'un seul cas lorsque son existence demeure comme danger à la santé de la mère . Dans ce cas son abortion est permis.
De différents punitions sont exécutées selon la gravité et la période ou on a agressé le fœtus.
Concernant le code des pénalités (punitions) il n'a pas fait la différence entre le fœtus avant et après le soufflage de l'âme : il a considéré la punition de l'agression la même soit avant ou après.
Ainsi il n'y a pas fait différence entre l'abortion accompagnée par l'agression et sans agression .
Il n'a pas permis l'abortion sauf dans le cas d'exposé la santé de la mère au danger.
le code des pénalité (punitions) a délimité les piliers de l'abortion dans l'article -7
304, puis sont (place d'agression , pilier concret pilier abstrait) . Il a dévisé le crime de l'abortion à trois parties qui sont :(exécution de l'abortion par l'autre

par la mère elle même et l'incitation à l'abortion la punition est différente selon le type du crime.

Le jurisprudent n'on pas autorisé des façons contemporaines de la grossesse -8 que deux qui sont : la fécondation de la femme par les spermes de son marie pendant le rapport sexuel ordinaire .

La fécondation de l'ovule de la femme par les spermes de l'homme dans un tube d'expérimentation, après on la place dans l'utérus de la même femme .

Ils sont empêché touts les autres façons avec la prise en considération de quelques paramètres dans les façons permises et c'est le point du vue du législation algérien dans le code de la famille.

Mots clés :

Grossesse – fœtus – hérétage – tutelle – lois (codes)- abortion – façon contemporaines – fécondation artificielle – enfants tubes – utérus